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DSCI Certified Privacy Lead Assessor DCPLA certification Sample Questions (Q54-Q59):

NEW QUESTION # 54

A newly appointed Data Protection officer is reviewing the organization's existing privacy policy. Which of the following would be the most critical factor for the review process?

- A. Privacy policies of industry peers
- B. Foreseeable challenges in the effective implementation of the policy
- **C. Changes in the legal/regulatory regime**
- D. Awareness of the business units about the privacy policy

Answer: C

NEW QUESTION # 55

RCI and PCM

The Digital Personal Data protection Act 2023 has been passed recently. The Act shall be supported by subordinate Rules for various sections that will gradually bring more clarity into various aspects of the law.

First set of Rules are yet to be formulated and notified. A public sector bank has identified that it collects and processes personal data in physical documents and electronic form. The bank intends to assess its existing compliance level and proactively undertake an exercise to ensure compliance. Since this is the first time the bank is attempting to comply with a comprehensive privacy law, it has hired a legal expert in Privacy law to assist with initial assessment and compliance activities. As part of the initial visibility exercise the consultant identified that the bank collects and generates a significant amount of personal data in physical and digital form. The data may be upto 200 million customers' data. It is identified that customer onboarding is also done through various business correspondents in the field who collect and process personal data in physical and digital form on behalf of the bank for the purpose of opening bank accounts and this data is shared with the bank through various channels. There are upto 10 business correspondent companies that have been appointed by the bank across the country for such onboarding. These companies further appoint individual contractors on the field to face the customers. The legal consultant also identified that there are a huge number of employees and contractors engaged by the bank whose personal data is being collected and processed by the bank for HR purposes including biometric based attendance. While the intent of initial assessment was the new Act, the legal consultant has also identified that the Bank collects Aadhaar numbers (voluntary submission) from customers and employees and may be subject to Aadhaar Act compliance. It also came as a surprise that the bank wasn't aware of the data breach reporting mandate by one of the regulatory bodies under the Information Technology Act 2000 and that it was a criminal offense. The Bank generally outsources all non-core activities such as call centers which are handled by an Indian BPO company and document warehousing which is handled by another company. The Bank has also moved many of its applications to a known cloud provider as part of its digital strategy and there may be data transfer aspects associated with the same. On review of various contracts with third parties it was identified that the bank has signed standard terms of the cloud provider and has signed contracts with third parties which were in standard format of the third parties. Data protection obligations are not clear or available in these contracts. Bank leadership has been of the opinion that even the third parties should comply with the laws and robust contracts on legal compliance may not be needed. The legal consultant is not just expected to help identify gaps, assist in fixing the gaps but also to help implement controls and processes to continuously comply with evolving Rules under the new Act and also manage data protection with various third parties that may be appointed in the future.

(Note: Candidates are requested to make and state assumptions wherever appropriate to reach a definitive conclusion) Introduction and Background XYZ is a major India based IT and Business Process Management (BPM) service provider listed at BSE and NSE. It has more than 1.5 lakh employees operating in 100 offices across 30 countries. It serves more than 500 clients across industry verticals - BFSI, Retail, Government, Healthcare, Telecom among others in Americas, Europe, Asia-Pacific, Middle East and Africa. The company provides IT services including application development and maintenance, IT Infrastructure management, consulting, among others. It also offers IT products mainly for its BFSI customers.

The company is witnessing phenomenal growth in the BPM services over last few years including Finance and Accounting including credit card processing, Payroll processing, Customer support, Legal Process Outsourcing, among others and has rolled out platform based services. Most of the company's revenue comes from the US from the BFSI sector. In order to diversify its portfolio, the company is looking to expand its operations in Europe. India, too has attracted company's attention given the phenomenal increase in domestic IT spend esp. by the government through various large scale IT projects. The company is also very aggressive in the cloud and mobility space, with a strong focus on delivery of cloud services. When it comes to expanding operations in Europe,

company is facing difficulties in realizing the full potential of the market because of privacy related concerns of the clients arising from the stringent regulatory requirements based on EU General Data Protection Regulation (EU GDPR).

To get better access to this market, the company decided to invest in privacy, so that it is able to provide increased assurance to potential clients in the EU and this will also benefit its US operations because privacy concerns are also on rise in the US. It will also help company leverage outsourcing opportunities in the Healthcare sector in the US which would involve protection of sensitive medical records of the US citizens.

The company believes that privacy will also be a key differentiator in the cloud business going forward. In short, privacy was taken up as a strategic initiative in the company in early 2011.

Since XYZ had an internal consulting arm, it assigned the responsibility of designing and implementing an enterprise wide privacy program to the consulting arm. The consulting arm had very good expertise in information security consulting but had limited expertise in the privacy domain. The project was to be driven by CIO's office, in close consultation with the Corporate Information Security and Legal functions.

Why did the Bank not identify till date that they were subject to various other laws related to personal data?

What processes and controls can the legal consultant help the bank with which would help them avoid such gaps with respect to future regulations and rules issued under the new Act? Please answer with respect to the RCI practice area. (upto 250 words)

Answer:

Explanation:

See the answer in explanation below.

Explanation:

The bank has been in a hectic expansion mode and has never been subject to the regulations concerning to the data privacy. This is a huge bank with over 200 million customers, the business operations spread across many geographies and multiple operating business correspondents engaged on behalf of the bank. Thus the bank has till date not identified various other laws related with the data privacy.

The consultant has helped bank implement the following processes -

1. Document the overall business organizations, various geographical presence, various business processes, business partners.
2. Identify all related data privacy laws and regulations that pertain to the various business processes, in each geography and map the regulatory requirements with each personal information being collected/processed.
3. Define the control requirements for each and every piece of the personal information based on the the geography/jurisdiction in which it is being processed.
4. Standardize the contractual clauses with the various business associates with respect to the processing of the personal information. Assign the accountability of the adherence by way of contract amendment. These clauses need to be included in the new contract as and when they are created.
5. Implement an organization framework comprising the legal, compliance, regulatory and business teams to establish the method by which the new regulations will be tracked and the new controls be incorporated in the overall process.
6. Implement the method to assess companies' compliance against these controls and implement the remediation methods if any non-compliance is identified.

NEW QUESTION # 56

Create an inventory of the specific contractual terms that explicitly mention the data protection requirements.

This is an imperative of which DPF practice area?

- A. Visibility over Personal Information (VPI)
- B. Information Usage and Access (IUA)
- C. Regulatory Compliance Intelligence (RCI)
- **D. Privacy Contract Management (PCM)**

Answer: D

Explanation:

As per the DSCI Privacy Framework (DPF), the "Privacy Contract Management (PCM)" practice area focuses on embedding privacy clauses and requirements in contracts with third parties, vendors, and service providers. One of the core imperatives is: "Create an inventory of the specific contractual terms that explicitly mention data protection requirements." This ensures that privacy responsibilities are clearly assigned and enforceable through legal agreements.

NEW QUESTION # 57

With respect to privacy implementation, organizations should strive for which of the following:

- A. Demonstrable accountability
- B. Meaningful compliance
- C. Checklist based exercise
- D. None of the above

Answer: A

Explanation:

The DSCI Assessment Framework for Privacy (DAF-P) emphasizes the need for organizations to move beyond checkbox compliance to embrace "Demonstrable Accountability." This involves:

- * Being able to show evidence of privacy program implementation
- * Having appropriate governance structures
- * Showing that privacy principles are embedded into processes

This proactive and transparent approach to privacy governance aligns with leading global frameworks.

NEW QUESTION # 58

What is the maximum compensation that can be imposed on an organization for negligence in implementing reasonable security practices as defined in Section 43A of ITAA, 2008?

- A. 5 lakhs
- B. 5 crores
- C. 15 crores or 4% of the global turnover
- D. Uncapped compensation

Answer: D

Explanation:

Section 43A of the Information Technology (Amendment) Act, 2008 does not prescribe a cap on the compensation amount.

Instead, it states that if a body corporate fails to implement and maintain reasonable security practices and causes wrongful loss or gain, it shall be liable to pay damages by way of compensation.

The compensation is determined based on the extent of harm or damage caused, and no maximum limit is specified in the provision.

NEW QUESTION # 59

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